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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,096	11/14/2003	Soon-Keun Ahn	4726-0103P	8228
2292	7590	02/14/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RAYFORD, SANDRA M	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/712,096	ahn, soon-keun
	Examiner Sandra M. Nolan	Art Unit 1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 December 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 5 and 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claims***

1. After entry of any amendment in the 01 December 2004 response ("the last response'), claims 1-3 and 5-6 are pending.
2. Claim 4 has been cancelled.

### ***Priority***

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/955,976, filed 20 September 2001. A reference to the prior application has been inserted as the first sentence(s) of the specification of this application.

However, for benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications and *the current status of all nonprovisional parent applications referenced should be included*.

Please revise the priority statement on page 1 of the specification.

### ***Allowable Subject Matter***

4. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of claim 5 are recited in new claim 6.

The allowability of claim 5 was discussed in section 5 of the 02 September 2004 office action.

***Rejection Maintained***

5. The 35 USC 103 rejection of claims 1-3 as unpatentable over Bourdelais et al (US 5,874,204) in view of Lucier (CA 2,100,505), as described in section 8 of the last office action, is maintained for reasons of record.

Claim 4 has been cancelled, rendering its rejection moot.

***Response to Arguments***

6. Applicant's arguments filed in the last response have been fully considered but they are not persuasive. They will be responded to in the order in which they were presented.

On page 5 of the response, applicant argues that the Lucier references do not teach a waterproof inner layer that is attached to the entire inner surface of a fabric layer.

However, Bourdelais et al suggest the attachment of the three layers claimed to each other. The fact that Lucier may teach only peripheral attachment of fabric and waterproof layers does not render the combined teachings of Bourdelais and Lucier inapplicable to the instant claims under 35 USC 103.

On page 6, applicant argues that the combination of the Bourdelais and Lucier teachings lacks motivation.

However, the examiner has provided motivational statements in the last office action.

Later on page 6, applicant argues that neither reference shows a waterproof layer being adhered to the entire inner surface of its base component.

However, Bourdelais teaches, at col. 3, lines 9-28, that an oriented sheet is adhered to its base using a molten adhesive that may contain a polyolefin resin. Since polyolefins are known to be water proof, the application of a molten polyolefin to the base in order to adhere another polyolefin thereto would be expected to produce a waterproof coating thereon. Thus, the waterproof nature of the polyolefin layers is deemed a latent property in the bags suggested by the combined teachings.

The 35 USC 103 rejection of claims 1-3 is deemed proper and is maintained.

***Final Rejection***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor,  
Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

*S. M. Nolan - Rayford*  
S. M. Nolan-Rayford  
Primary Examiner  
Technology Center 1700

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